Mr Vikas P Singh, Advocate.

This petition has been filed seeking quashing of the order dated 31.5.2007 passed by the learned Sessions Judge, Bhiwani whereby the custody of minor – Poonam aged 8 years has been restored to her mother from the father's sister (Bhua) of the minor.

Learned counsel for the petitioner has contended that it is in the interest of the minor to be with the petitioner who is the father's sister (Bhua) of the minor. The minor – Poonam, it is submitted was being looked after by the petitioner and she was being educated. However, the learned Sessions Judge has wrongly restored her to the custody of the respondent who is the mother of the minor.

After giving my thoughtful consideration to the matter, it may be noticed that the respondent who is the mother of the minor – Poonam, had filed an application dated 9.6.2007 in terms of Section 98 CrPC seeking restoration of her minor daughter who had been left with the petitioner. The learned JMIC, Charkhi Dadri vide order dated 15.12.2006 dismissed the application by holding that the minor wanted to live with the petitioner. Against the said order, the respondent filed a revision petition before the learned Sessions Judge, Bhiwani. The learned Sessions judge vide his order dated 31.5.2007 has restored the minor Poonam to her natural guardian i.e. the respondent being the mother. Section 98 CrPC provides for power to compel restoration of abducted females. It is provided that upon a complaint made on oath of the abduction or unlawful detention of a woman, or a female child under the age of eighteen years for any unlawful purpose, a District Magistrate, Sub-divisional Magistrate or Magistrate of the first

class may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge or such child, and may compel compliance with such order, using such force as may be necessary. Therefore, by the impugned order, the learned Sessions Judge has restored the custody of the minor to her mother and no fault can be found with the said order.

Consequently, this criminal revision petition is dismissed.

20.7.2007. (S.S.SARON)
ASR JUDGE